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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 MICHAEL HOLBROOK,) Case No.: C 10-5414 PSG
13 Plaintiff,)
14 v.) **ORDER DISSOLVING ORDER TO
15 THANH T. DUONG DBA HECKER PASS) SHOW CAUSE
16 GAS & MART DBA SHELL MINI-)
17 MART, ET AL.,)
18 Defendants.)**

18 Pursuant to General Order 56, Plaintiff Michael Holbrook (“Holbrook”) filed a notice of
19 need for mediation.¹ The ADR Department in this court then advised the undersigned that
20 Defendant Thanh T. Duong (“Duong”) and his attorney refused to participate in mediation as
21 prescribed in General Order 56. No relief from the requirements of General Order 56 had been
22 granted by this court, nor had any relief pursuant to Civ.L.R. 7-11 been sought. As a result, Duong
23 and his attorney were ordered to show cause why they should not be sanctioned for failing to comply
24 with General Order 56. Both Duong and his attorney, Susan Dondershine, appeared on December
25 13, 2011.

26 At the hearing, Ms. Dondershine explained that because she was unavailable on the date of

²⁸ See Docket No. 36

1 the mediation and because Duong has no resources to offer in settlement, they did not participate in
2 mediation. Ms. Dondershine apologized for not cooperating more fully with the ADR Department
3 and stated that she understood her obligations under General Order 56.

4 While the court remains troubled by this abject failure to comply with the rules of this court,
5 even after being reminded by court staff of these rules, the court is persuaded that sanctions are not
6 appropriate at this time. Accordingly,

7 IT IS HEREBY ORDERED that the Order to Show Cause dated December 5, 2011 is
8 dissolved.

9 Dated: 12/15/2011


10 PAUL S. GREWAL
11 United States Magistrate Judge

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